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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,256	07/11/2001	William F. Sherman	685.01-US1	2046
34284	7590	04/08/2004	EXAMINER	
ROBERT D. FISH; RUTAN & TUCKER, LLP P.O. BOX 1950 611 ANTON BLVD., 14TH FLOOR COSTA MESA, CA 92628-1950			MCFADDEN, SUSAN IRIS	
			ART UNIT	PAPER NUMBER
			2655	
DATE MAILED: 04/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/904,256	SHERMAN, WILLIAM F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan McFadden	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11 July 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) 5 and 18 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 08 January 2002 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Objections***

1. Claims 5 and 18 are objected to because of the following informalities: In claim 5, the use of “processes” is not grammatically correct; claim 18 incorrectly depends on claim 18 (Should this be changed to claim 17?). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al (6,377,825) in view of Adair et al (6,424,369).

In regard to claim 1, Kennedy et al. show in Figure 4B, an apparatus comprising: a voice recognition peripheral device (pocket, items 100,104,106, col. 19-20, Fig. 3B) in electronic communication with and attached to a wireless communication device (claimed PDA, item 102, col. 27, In 45-65 states that PDA's can be used) that executes a program, wherein the VRPD receives a first data element from the program and a voice command provided by the user (col. 27, “read email”), wherein the VRPD processes the first data element into an audible prompt and wherein the VRPD processes the voice command into a second data element using a voice recognition algorithm and transfers the second data element to the program (Abstract, col. 27-28). Kennedy et al. shows that a wireless communication device or mobile phone is used

which can contain address books and memos but do not specifically say that a PDA is connected to the VRPD. Adair et al. shows that wireless communication devices and PDA's can be interchanged and used together (Fig. 6A, col. 11, ln 13-30). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to interchange these devices because they are commonly used together (col. 5-6).

In regard to claims 2 and 14, Kennedy et al. show that the program can intercept a prompt from an application that is executing and convert it into a first data element (audible voice prompts, col. 18, ln 32-50, claim 7).

In regard to claims 3,5, and 15, Kennedy et al. show that the program converts the second data element into an input into the application and the voice recognition algorithm uses a user uploaded set of date to process the voice command (take a memo, store a phone number, col. 19-20, claim 7).

In regard to claims 4,11,12, and 16, Kennedy et al. show that the voice recognition algorithm comprises a continuous or discrete speech algorithm (inherent in using a voice recognition and interface, col. 17-18).

In regard to claims 6 and 7, Kennedy et al. show that a memo application and a PDA can be used (PDA, item 302, col. 27, ln 45-65, col. 19-20). Kennedy et al. does show that the user can select which applications he would like to access (read e-mail, col. 27,ln 59). Kennedy does not specifically show that an application is selected from a calendar or address book application. PDA's are known to contain calendar and addresses which could be accessed similarly to email (read calendar, call Mary (col. 18, 19). Therefore, it would be obvious to one of ordinary skill in the art at the time of the

invention to add this feature because it provides an economical hands-free device (col. 2, ln 7-22).

In regard to claim 8, Kennedy et al. show that an audible prompt for a memo application with a request for information can be used (col. 19-20).

In regard to claims 9 and 18, Kennedy et al. show that the electronic communication is performed via a RS232 interface (col. 25, ln30-34).

In regard to claim 10, Kennedy et al. show in Figure 4B, an apparatus comprising: a voice recognition peripheral device (pocket, items 104,106) in electronic communication with and attached to a wireless communication device (claimed PDA, item 102, col. 27, ln 45-65 states that a PDA can be used), wherein the VRPD processes a user voice into a digital data element using a voice recognition algorithm, and wherein the data element is transferred to the wireless device or other computer memory (Abstract, col. 19-20, Fig. 3). Kennedy et al. shows that a wireless communication device or mobile phone is used but do not specifically say that a PDA is connected to the VRPD. Adair et al. shows that wireless communication devices and PDA's can be interchanged and used together (Fig. 6A, col. 11, ln 13-30). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to interchange these devices because they are commonly used together (col. 5-6).

In regard to claims 13 and 17, Kennedy et al. show in Figure 4B, an method of operating an electronic device comprising: providing a voice recognition peripheral device (pocket, items 104,106) with and attached to a wireless communication device (claimed PDA, item 102, col. 27, ln 45-65 states that a PDA can be used) that executes

a program, releasibly attaching the VRPD to the PDA providing electronic communication between them (col. 5-6), wherein the VRPD receives a first data element from the program and a voice command provided by the user (col. 27, "read email"), wherein the VRPD processes the first data element into an audible prompt and wherein the VRPD processes the voice command into a second data element using a voice recognition algorithm and transfers the second data element to the program (Abstract, col. 27-28). Kennedy et al. shows that a wireless communication device or mobile phone is used but do not specifically say that a PDA is connected to the VRPD. Adair et al. shows that wireless communication devices and PDA's can be interchanged and used together (Fig. 6A, col. 11, ln 13-30). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to interchange these devices because they are commonly used together (col. 5-6).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan McFadden  
Primary Examiner  
Art Unit 2655

April 1, 2004